

Minnesota Plumbing Board

c/o Minnesota Department of Labor and Industry

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March 21, 2022

Senator Jason Rarick
Chair, Labor and Industry Policy Committee
95 University Avenue West
Minnesota Senate Building, Room 3411
Saint Paul, Minnesota 55155
sen.jason.rarick@senate.mn

SENT VIA E-MAIL

Dear Senator,

The Minnesota Plumbing Board held a special board meeting on Thursday March 13th, 2022. The purpose of this meeting was to discuss proposed legislation, SF 183. After discussion of the proposed legislation, the board unanimously approved a motion for the board chair to draft a letter to your committee summarizing the board's thoughts and discussion on the proposed legislation. Based upon the board's discussion at the meeting, our consensus was the board is in opposition to the proposed legislation. The following is a summary of the discussion and opinion of the Minnesota Plumbing Board.

The primary purpose of the plumbing code is to protect the health of the public. This is accomplished using several different methods. The first is defining a minimum acceptable standard for plumbing systems, ensuring safe reliable operation of the plumbing system. Training and licensing requirements are another method. For a person to receive a plumbing license they must complete a four-year apprenticeship and pass an exam administered by the state to show a minimum acceptable level of competency. The third method is inspection of installed plumbing systems. These three methods all work together to provide safe functional plumbing systems. If one or more of these are removed, the system can become unstable and lead to an inadequate plumbing system.

Maintaining a safe water supply is paramount to a properly functioning plumbing system. The potable water system is protected from contamination by one of three basic methods. Providing an air gap at any water outlet, a barometric loop, or a backflow preventor. Starting with the 2015 Minnesota Plumbing Code, any testable backflow preventor shall be tested annually at a minimum. This testing serves to verify that the backflow preventor functions as designed. If a backflow preventor does not pass this test, it needs repair or replacement.

Currently Minnesota Statute 326B.437 requires a plumbing contractor's license, along with certification as a backflow prevention rebuilder to repair or rebuild a backflow preventor. Although backflow preventors are simple in concept, they are just one part of a complex plumbing system. Taking this complex system and distilling it down, focusing on just one element in the system can lead to incomplete understanding the impact

of that element on the system. Although training through ASSE 5110 and ASSE 5130 can result in an understanding of how the mechanics of a backflow preventor functions, it is not adequate for a complete understanding of this complex system. In addition to training in ASSE 5110 and ASSE 5130, a plumber must complete a four-year apprenticeship and pass a licensing examination to rebuild a backflow preventors. This experience and training allow the plumber to understand the complex nature of the potable water system and maintain it in proper working order.

Requiring a licensed plumber, permits and inspections helps ensure backflow preventors are initially installed correctly. Sometimes alterations to the plumbing system occur without using a licensed plumber, having a plumbing permit or inspection, potentially leading to an improperly installed backflow preventor. A person trained in just ASSE 5110 and ASSE 5130, might not be able to recognize these improper changes to the system. This is where the licensed plumber comes in. The plumber understands the entire potable water system, and better equipped recognize and address these issues, bringing the system back into compliance.

Introducing another class of individual allowed to repair/rebuild backflow preventors, also creates additional complexities for local municipalities. Currently when permitting or inspecting backflow preventor repairs, the municipality only needs to verify a person is a licensed plumber and has backflow preventor training. Under the proposed legislation, a municipality would now have to be able to recognize another acceptable certification, potentially leading to confusion and additional workload for the municipality.

During the meeting, an attendee addressed the board, indicated that during the spring a large number of irrigation systems back into operation, and per plumbing code each backflow preventor must be tested. And if the backflow preventor does not pass testing, getting a licensed plumber to rebuild the device adds an unneeded delay getting the irrigation system operational. Although everyone wants to be efficient with their time and money, safety of the potable water system is paramount, and compromise for the sake of convenience unadvisable.

Currently the proposed legislation as written eliminates requirement of a plumbing license to repair backflow preventors which serve irrigation type systems. The board is concerned that this is just the first step of eliminating the requirement for a plumbing license to repair or rebuild any backflow preventor. Will the next step be to allow repair or rebuilding backflow preventors serving fire sprinkler systems by unlicensed individuals and then after that backflow preventors serving boilers?

Thank you for your time and consideration. Please feel free to contact me if you have any questions or would like to discuss the Board's concerns.

Sincerely,

A handwritten signature in blue ink that reads "Richard D. Becker". The signature is fluid and cursive, with the first name "Richard" and last name "Becker" clearly legible.

Richard Becker, PE

Plumbing Board Chair

richardb@steeneng.com

cc: Suzanne Todnem, DLI (email only)